

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

Michael Charles

Index No. 12 CV 4171

Plaintiff,

VS.

**ANSWER TO AMENDED
COMPLAINT**

Gilead Kreiter

Defendant.

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC#

DATE FILED: _____

10/4/12

Defendant, Gilead Kreiter answers Plaintiff's allegations, upon information and belief as follows:

1. Denies that he violated the Fair Debt Collection Practices Act ("FDCPA").
2. Denies that he did anything illegal or abusive in collection of Michael Charles' valid debt.
3. Denies jurisdiction of this Court.
4. Denies supplemental jurisdiction of this Court.
5. Denies this Court can pass judgment pursuant to 28 U.S.C. 2201 and 2202.
6. Denies venue in this district is proper because Plaintiff lives at 18 Carrera Street in Saint Augustine, Florida, 32084. Defendant admits that he transacts business in Kings County. Defendant denies that any acts or transactions pertinent to this action occurred in this district.
7. Defendant admits that Michael H. Charles is a consumer.
8. Defendant admits that he is a natural person doing business as Bloomingdale Road Judgement Recovery with a principal place of business at 291 14th Street, Brooklyn, NY 11215.
9. Defendant denies that he is a debt collector as defined by 15 U.S.C. 1692a(6)
10. Defendant is unable to admit or deny that Mr. Charles maintains a bank account with JPMorgan Chase Bank, N.A..

11. Defendant is unable to admit or deny what Mr. Charles may have learned from JPMorgan Chase Bank, N.A..
12. Defendant is unable to admit or deny what the contents of the subpoena were
13. Defendant denies Plaintiff assertion. Defendant asserts that caption exists in the County Court of Broward County Florida.
14. Defendant admits that the judgment captioned "Palisades Collection LLC vs Michael H. Charles" has index number CV-008269-08/NY.
15. Defendant agreed to vacate the judgment in State Court with the understanding from Ms Shollenberger that all actions for monetary gain on Mr. Charles' part would be dropped.
16. There is an affidavit of service for the New York State action with index number CV-008269-08/NY.
17. There is a continuous chain of assignments of Mr. Charles' credit card debt.
18. Mr. Charles has repudiated his valid debts at least one other time as well as this one.
19. Defendant admits no motion was made.
20. Defendant denies the allegation. Defendant filed an assignment of judgment from the Judgment Creditor to Defendant
21. Defendant denies the allegation. Defendant filed an assignment of judgment from the Judgment Creditor to Defendant
22. Defendant denies the allegation. Defendant filed an assignment of judgment from the Judgment Creditor to Defendant
23. Defendant denies the allegation. Defendant filed an assignment of judgment from the Judgment Creditor to Defendant
24. Defendant denies the allegation.
25. Defendant denies the allegation. Defendant filed an assignment of judgment from the Judgment Creditor to Defendant

26. Defendant denies the allegation. Defendant filed an assignment of judgment from the Judgment Creditor to Defendant
27. Defendant denies the allegation. Defendant filed an assignment of judgment from the Judgment Creditor to Defendant
28. Defendant admits the chain of assignment went from Judgment Creditor, Pallasades Collection, LLC to Unifund CCR Partners.
29. Defendant admits the chain of assignment then went from Unifund CCR Partners to Bloomingdale Capital Management LLC.
30. This repeats 29
31. That is correct.
32. Defendant denies the allegation. None of the statements are incorrect and there are no inconsistencies except in Ms. Shollenberger's willful misunderstanding of the situation.
33. Defendant denies the allegations.
34. Defendant denies the allegation.
35. Defendant denies the allegation.
36. Defendant denies the allegation.
37. Defendant denies the allegation.
38. Defendant denies the allegation. Defendant filed an assignment of judgment from the Judgment Creditor to Defendant
39. Defendant denies the allegation.
40. Defendant denies the allegation.
41. Defendant denies the allegation.
42. Defendant denies the allegation.
43. Defendant denies the allegation.

44. Defendant denies the allegation. Defendant filed an assignment of judgment from the Judgment Creditor to Defendant

45. Defendant denies the allegation. Defendant filed an assignment of judgment from the Judgment Creditor to Defendant

46. Defendant is unable to admit or deny the suffering of Mr. Charles, he has been through this many times and may be inured to it.

47. Defendant denies the allegation. Mr. Charles is not entitled to any damages.

FIRST AFFIRMATIVE DEFENSE

Ms. Shollenberger makes much of the sequence of the assignments from Pallisades Collection, LLC to Unifund CCR Partners to Bloomingdale Capital Management, LLC. It is true that Unifund assigned the debt to Bloomingdale before Pallisades assigned the debt to Unifund. Yet that is very common in securities. One can sell a security before it is bought or after it is bought. The sequence is unimportant. Credit card debt is bought and sold as an unregistered security.

One can see that Unifund was involved in the prosecution of the lawsuit against Mr. Charles by noting that the address on the judgment of the Judgment Creditor is Pallisades' address, but the Zip code is Unifund's.

SECOND AFFIRMATIVE DEFENSE

Defendant agreed to vacate the judgment in State Court with the understanding from Ms Shollenberger, attorney for Mr. Charles, that all actions for monetary gain on Mr. Charles' part would be dropped.

WHEREFORE Defendant respectfully requests that this Court dismiss this action with prejudice without costs to either party.

DATED: 3rd of October, 2012

Brooklyn New York

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Gilead Kreiter", written over a horizontal line.

Gilead Kreiter, pro se
291 14th Street
Brooklyn, NY 11215
718 360 1354 voice
718 788 0859 facsimile
Gil@BloomingdalePartners.com

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

Michael Charles

(In the space above enter the full name(s) of the plaintiff(s)/petitioner(s).)

12 Civ. 4171 () ()

- against -

Gilead Kreiter

AFFIRMATION OF SERVICE

(In the space above enter the full name(s) of the defendant(s)/respondent(s).)

I, Gilead Kreiter, declare under penalty of perjury that I have
(name)

served a copy of the attached Answer to Amended Complaint
(document you are serving)

upon Elizabeth Shollenberger, Esq. whose address is offices
(name of person served)

of Schlanger + Schlanger
(where you served document)

by email
(how you served document: For example - personal delivery, mail, overnight express, etc.)

Dated: Brooklyn, NY
(town/city) (state)
October 4, 2012
(month) (day) (year)

Gilead Kreiter
Signature
291 14th St.
Address
Brooklyn NY 11215
City, State
11215
Zip Code
718 360 1354
Telephone Number